

## Message Text

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44

ACTION ACDA-19

INFO OCT-01 ARA-16 EUR-25 EA-11 NEA-14 IO-14 ISO-00 AF-10

CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NASA-04

NSAE-00 NSC-07 OIC-04 SP-03 PA-04 PRS-01 RSC-01

SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /201 W

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R 051500Z AUG 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4843

INFO AEC GERMANTOWN

USMISSION GENEVA

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

AMEMBASSY BONN

AMEMBASSY CANBERRA

AMEMBASSY BUENOS AIRES

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DISTO

EO 11652: NA

TAGS: PARM, TECH, IAEA

SUBJE: INTERPRETATION OF IAEA SAFEGUARDS AGREEMENTS

REF: (A) STATE 154451; (B) IAEA VIENNA 6285; (C) IAEA VIENNA 6461

1. RECENT COURSE OF EVENTS HEHANCES DESIRABILITY OF AGENCY  
RELEASING ITS INTERPRETATION TO EFFECT THAT EXISING IAEA SAFE-  
GUARDS AGREEMENTS PROHIBIT USE OF SAFEGUARDED MATERIAL FOR DEVEL-  
OPMENT OR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICES. WE  
FEEL IT ESSENTIAL THAT SUCH INTERPRETATION SHOULD BE ISSUED  
PRIOR TO CONSIDERATION OF NEW ARGENTINA SAFEGUARDS AGREEMENT,  
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WHICH WE EXPECT MAY BE SO INADEQUATE AS TO REQUIRE US OPPO-

SITION, AND WHICH COULD BE CONSIDERED AS EARLY AS SEPTEMBER 13 BOARD MEETING. REPORTING SEPARATELY ON ARGENTIANA AGREEMENT.

2. THERE IS GENERAL AGREEMENT AMONG PRINCIPAL EXPORTER STATES ON SUBSTANCE OF THE INTERPRETATION. THE QUESTION WAS DISCUSSED IN MOST RECENT ZANGGER COMMITTEE MEETING AND NO OBJECTIONS WERE RAISED. NEITHER DID SOVIET MISSION EXPRESS ANY DOUBTS IN CONSULTATION AUGUST 1. ALSO, DG AND SECRETARIAT FEEL NEED OF CLEARING THE AIR ON THIS IMPORTANT ISSUE AND ARE PREPARED TO RESPOND TO A QUESTION FROM A MEMBER STATE WITH A WRITTEN ANSWER WHICH WILL BE PUBLICIZED.

3. QUESTION IS ESSENTIALLY ONE OF TIMING AND TACTICS TO PRODUCE RESULTS WITH MINIMUM OF DISRUPTION. UK, WHILE FULLY SUPPORTING THE AGENCY INTERPRETATION, HAS DECLINED TO ASK THE QUESTION, PRESUMABLY TO AVOID A HEAD-ON FIGHT WITH THE INDIANS. WE AND SECRETARIAT HAVE APPROACHED AUSTRALIANS AND AMBASSADOR ROWLAND HAS AS RESULT RECOMMENDED TO CANBERRA THAT GOA INDICATE ITS WILLINGNESS TO PUT THE QUESTION TO EKLUNDA AT A MUTUALLY AGREED TIME. ROWLAND FEELS, IN VIEW OF STRONG AUSTRALIAN POSITION IN SUPPORT OF NON-PROLIFERATION, THAT CANBERRA WILL PROBABLY AGREE TO BE THE GUINEA PIG. ROWLAND'S PERSONAL JUDGMENT IS THAT THE MATTER SHOULD BE HANDLED AS A LOW-KEY AS POSSIBLE IN ORDER MINIMIZE DAMAGE FROM DIVISIVE BOARD DEBATE WHICH IS BOUND TO OCCUR. HE PREFERS WAITING UNTIL AFTER GENERAL CONFERENCE (END OF SEPTEMBER), BUT COULD PROBABLY BE CONVINCED TO RECONSIDER AN EARLIER DATE.

4. OUR VIEW IS THAT A SHOWDOWN WILL OCCUR IN THE BOARD IN ANY CASE AND REGARDLESS OF TIMING OF QUESTION AND ANSWER EXCHANGE. WE NO ANTICIPATE THAT BOARD MEMBERS INDIA, FRANCE, ARGENTINA, BRAZIL WITH POSSIBLY SOME SUPPORT FROM OTHER NON-NPT PARTY BOARD MEMBERS (E.G., ALGERIA, CHILE) WOULD ENTER STRONG OBJECTIONS TO INTERPRETATION THAT ALL AGENCY SAFEGUARDS AGREEMENTS PROHIBIT THE USE OF SAFEGUARDED NUCLEAR MATERIAL FOR DEVELOPMENT OR MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICE. WE ANTICIPATE HOWEVER THAT, IF MATTER WERE PRESSED TO A BOARD VOTE, THE PRESENT BOARD (WHICH HOLDS ITS LAST MEETING ON SEPTEMBER 13) WOULD SUPPORT THE AGENCY'S INTERPRETATION. WE THEREFORE NOW LEAN TO VIEW THAT THE QUESTION SHOULD BE ASKED, AND ANSWERED LIMITED OFFICIAL USE

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IN WRITING, SOMETIME IN LATE AUGUST OR EARLY SEPTEMBER. THIS WOULD ALLOW TIME FOR MORE CONSULTATIONS TO SECURE SOLID SUPPORT FOR AGENCY'S POSITION, BUT NOT SO MUCH TIME THAT THE OPPOSITION COULD ORGANIZE A WELL-COORDINATED COUNTER ACTION. THERE IS A SCHOOL OF THOUGHT, HOWEVER, SUPPORTED BY CANADA, THE FRG AND SOME OF THE SECRETARIATE, THAT THE QUESTION SHOULD BE PUT OFF UNTILL THE END OF SEPTEMBER, AFTER THE GENERAL CONFERENCE. THIS MAY TURN OUT TO BE ACCEPTABLE, PERHAPS DESIRABLE, IF THE

ARGENTINE AGREEMENT IS NOT PLACED ON THE AGENDA OF THE SEPTEMBER 13 BOARD.

5. THE OUTCOME OF THE US-INDIA DEIALOGUE ON FULE FOR TARAPUR OBVIOUSLY HAS AN IMPORTANT BEARING ON WHAT IS DONE IN AGENCY. THE IAEA CANNOT BE EXPECTED TO TAKE ANY ACTION WHICH WILL NOT BE CONSONANT WITH US ACTIONS IN RESPECT OF TARAPUR AND, OF COURSE A STRONG AND PUBLICLY KNOWN US POSITION WILL CORRESPONDINGLY STRENGTHEN THE AGENCY'S POSITION. IT WILL ALSO OF COURSE INTENSIFY THE VEHEMENCE OF THE DEBATE AT THE BOARD MEETING.

6. DEPARTMENT MAY ALSO HAVE NOTED THAT AGENCY HAS TAKEN A STEP TOWARD PUBLICIZING ITS INTERPRETATION RE NUCLEAR EXPLOSIVE DEVICES, IN THE PAPER IT HAS SUBMITTED ON ARTICLE III OF THE NPT TO THE NPT REVIEW CONFERENCE PREPCOM. PARA. 18 OF THAT PAPER READS AS FOLLOWS:

"THE STATED PURPOSE OF INFCIRC/66 IS TO ESTABLISH A SYSTEM OF CONTROLS TO PERMIT THE AGENCY TO COMPLY WITH THE OBLIGATION IN THE STATUTE PROVIDING THAT THE AGENCY SHALL ENSURE, SO FAR AS IT IS ABLE, THAT ASSISTANCE PROVIDED BY IT OR AT ITS REQUEST OR UNDER ITS SUPERVISION OR CONTROL IS NOT USED IN SUCH A WAY TO FURTHER ANY MILITARY PURPOSE; AND TO APPLY SAFEGUARDS, AT THE REQUEST OF THE PARTIES, TO ANY BILATERAL OR MULTILATERAL ARRANGEMENT, OR AT THE REQUEST OF A STATE, TO ANY OF THAT STATE'S ACTIVITIES IN THE FIELD OF ATOMIC ENERGY. THE OBLIGATIONS OF STATES PARTY TO AGREEMENTS UNDER INFCIRC/66, THEREFORE, GO BEYOND THOSE ARISING FROM THE NPT, IN THE SENSE THAT SUCH AGREEMENTS NOT ONLY PROHIBIT THE DEVELOPMENT AND MANUFACTURE OF ANY NUCLEAR EXPLOSIVE DEVICES BY ALSO ANY OTHER ACTIVITY THAT FURTHERS A MILITARY PURPOSE. THIS PROHIBITION, HOWEVER, PERTAINS ONLY TO SPECIFIED NUCLEAR MATERIAL. EQUIPMENT AND LIMITED OFFICIAL USE

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FACILITIES, COVERED BY THE AGREEMENT." THIS MAY BE EXPECTED TO BECOME GENERAL KNOWLEDGE, POSSIBLY BEFORE SEPTEMBER BOARD MEETING, BUT PAPER HAS NOT BEEN GENERALLY DISTRIBUTED AMONG AGENCY MEMBER STATES - ONLY TO A FEW OF THE MAJOR NPT SUPPORTERS.

7. MISSION WOULD APPRECIATE RECEIVING SOONEST SUG COMMENTS ON LANGUAGE OF AGENCY INTERPRETATION AS DISCUSSED REFTEL "A".

8. WE HOPE TO MAKE MORE SPECIFIC RECOMMENDATIONS ON TIMING AND TACTICS AFTER FURTHER CONSULTATIONS IN VIENNA, BUT IN MEANTIME HOPE RECEIVE DEPT'S COMMENTS AND INTERIM GUIDANCE IF ANY.

9. REFTELS BEING REPEATED CANBERRA, BUENOS AIRES, AND BONN. PORTER

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## Message Attributes

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